

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|-------------------------------|---|---|
| KINERA LOVE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO.: |
| |) | |
| DOLLAR GENERAL |) | 3:06-CV-1147-MHT |
| CORPORATION, |) | |
| d/b/a DOLGENCORP, INC. |) | -- <i>OPPOSED</i>¹ -- |
| |) | |
| Defendant. |) | |
| |) | |

**MOTION FOR 7-DAY EXTENSION OF TIME TO FILE REPLY TO
PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY
JUDGMENT**

COMES NOW Defendant Dolgencorp, Inc. (“Defendant” or “Dolgencorp”), and files this Motion for Extension of Time to File Reply to Plaintiff’s Opposition to Motion for Summary Judgment. In support hereof, Dolgencorp states as follows:

1. On December 21, 2007, Dolgencorp timely filed its Motion for Summary Judgment, Brief in Support, and Evidentiary Submission (collectively, the “Summary Judgment Motion”).

¹ Counsel for the Defendant certifies that a request was made by telephone on February 14, 2008, of Plaintiff’s counsel as to whether she would consent to or oppose this motion. By the time of the filing of this Motion, counsel for the Plaintiff stated that she could not reach the Plaintiff to discuss the matter. In light of the foregoing, Defendant will assume that Plaintiff opposes this motion.

2. Plaintiff's Opposition to the Summary Judgment Motion (the "Opposition") was originally due on January 22, 2008. However, after two extensions, Plaintiff filed her Opposition on February 4, 2008.

3. Pursuant to this Court's Order, Dolgencorp's Reply to the Opposition (the "Reply Brief") is due on Friday, February 15, 2008.

4. In connection with Plaintiff's Opposition, on February 4, 2008, Plaintiff filed a comprehensive affidavit of a third-party witness, Tiffany Cross ("Ms. Cross"). Dolgencorp immediately prepared and served a deposition subpoena on Ms. Cross and her deposition took place on the date of the filing of this Motion, February 14, 2008. Counsel for the Plaintiff appeared and cross-examined Ms. Cross.

5. During the deposition, Ms. Cross admitted that certain of the material testimony contained in her recently filed Affidavit was incorrect, inaccurate and/or false, resulting in arguable perjury. Moreover, her deposition testimony further informed of the evidentiary incompetence of certain testimony offered via her recently filed affidavit. Ms. Cross' deposition testimony will be extremely relevant and useful to the Court with respect to Dolgencorp's Reply to Plaintiff's Opposition.

6. Because the deposition was taken today, Dolgencorp has not received a transcript of Ms. Cross's deposition testimony. Moreover, due to prior commitments, the court reporter has indicated that it would likely be

February 20 or 21, 2008 (at the earliest), before the transcript could be made available. Therefore, Dolgencorp respectfully requests that this Court allow an extension of time until at least next Friday, February 22, 2008, for it to file its Reply Brief so that it may have sufficient time to receive a copy of Ms. Cross's deposition transcript for use in the Reply submission.²

7. Dolgencorp has not sought any extensions of previous court-ordered deadlines in this case. Plaintiff will not be prejudiced by this extension of time.

Respectfully submitted,

s/Christopher W. Deering

Christopher W. Deering, Esq.
Ryan M. Aday, Esq.
**Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.**
One Federal Place, Suite 1000
1819 Fifth Avenue North
Birmingham, Alabama 35203
Telephone: (205) 328-1900
Facsimile: (205) 328-6000
E-mail: chris.deering@odnss.com
E-mail: ryan.aday@odnss.com

² Should the Court deny this Motion for Extension, or otherwise fail to rule by February 15, 2008, Dolgencorp is prepared to file its Reply Brief on its scheduled due date of February 15, 2008.

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Lateefah Muhammad – lateefahmuhammad@aol.com

s/Christopher W. Deering

Christopher W. Deering
Attorney for Defendant,
Dolgencorp, Inc.